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THE

CRAFTSMAN'S

Doctrine *and* Practice

OF THE

LIBERTY

OF THE

PRESS,

Explained to the meanest Capacity.

L O N D O N :

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THE
GRAFTSMAN
DOCTRINE AND PRACTICE
OF THE
LIBERTY
OF THE
PRESS
Explained to the means of Liberty



THE Author of a Pamphlet newly published, under the Title of The Case of Opposition stated, between the Craftsman and the People, having premised a Paragraph from the Craftsman of December 16, 1726, viz. ' I must do ' the Persons then in Power [i. e. the ' last Ministry of Queen Anne] the ' Justice to own, that they generally ' suffered Writings against them to be ' published with Impunity, and contented ' themselves with applying Argument to ' Argument, and answering one Piece of ' Wit and Satire with another. The only Instances of any Severity which we ' meet with, are burning the Bishop of St. ' Asaph's immortal Preface, and expelling ' Sir Richard Steele the House of Commons; but we meet with no grievous ' Imprisonments, no expensive Prosecutions or Burthensome Fines, in the History of that Administration.' ' has taken a just Occasion from it to prove the contrary, by numerous Instances concisely put together.

A Collection upon the same Subject had been made by another Person. Who thinking an ampler Deduction of some Particulars might be acceptable to the Publick, offers it by Way of Supplement to the Case of Opposition stated.

There was no avoiding the repeating a few of the Facts which were inserted in that Pamphlet, the Additions to or Explanations of those Facts requiring it.

THE

T H E
C R A F T S M A N's
Doctrin and Practice of
the Liberty of the *Press*.

THE principal Writer of the *Craftsman*, is understood on all Hands, to have been a Minister of State in the four last Years of *Queen Anne*. In his Papers he assumes the Character of a zealous Advocate for the Liberty of the Press, and seems more than ordinarily elevated whenever he can form the least Shadow of a Pretext to insinuate, that the present Ministry are very solicitous to have it restrained; flattering himself that he has worked up the People into a general Opinion, that this is the most heinous Crime a *British* Minister can be guilty of. He has held forth so elaborately from Time to Time upon this Subject, and always with so much Satisfaction and Applause to himself, that at Length he rous'd in me this Reflection: *In what Manner did this purest of all Patriots Speak and Act, when he*
was

was a Minister, in Relation to this supereminent Right; which certainly was, of as much intrinsic Value to the British Nation then, as now? And upon Enquiry, I collected the following Account.

On the 17th of January 1711, Mr. Secretary St. John delivered a Message from Her Majesty Queen Anne to the House of Commons; in which are these Words:

Her Majesty finds it necessary to observe, how great Licence is taken in publishing false and scandalous Libels, such as are a Reproach to any Government. This Evil seems to be grown too strong for the Laws now in Force; it is therefore recommended to you to find a Remedy equal to the Mischief.

On the 21st of January the House of Commons presented an Address to the Queen in Answer to Her Message, which concluded with these Words:

We are very sensible how much the Liberty of the Press is abused, by turning it into such Licentiousness as is a just Reproach to the Nation; since not only false and scandalous Libels are printed and published against your Majesty's Government, but the most horrid Blasphemies against God and Religion. And we beg Leave humbly to assure your Majesty, that we will do our utmost to find out a Remedy equal to this Mischief, and that may effectually cure it.

On

On the 12th of *April* the House being resolved into a Committee of the whole House, to consider of that Part of Her Majesty's Message of the 17th of *January*, which related to the great Licence taken in publishing false and scandalous Libels, Sir Gilbert Dolben their Chairman reported from them, that they had come to several Resolutions thereupon.

On the 3d of *June* Sir Gilbert Dolben reported from the Committee those Resolutions, viz.

Resolved, *That the great Liberty taken in printing and publishing, false, scandalous, and impious Libels, creates Division among Her Majesty's Subjects, tends to the Disturbance of the publick Peace, to the Increase of Immorality, Profaneness, and Irreligion, and is highly prejudicial to Her Majesty, and Her Government.*

Resolved, *That the Want of a due Regulation of the Press, is a great Occasion of the said Mischief.*

Resolved, *That all Printing Presses be registered, with the Names of the Owners and their Places of Abode.*

Resolved, *That to every Book, Pamphlet and Paper which shall be printed, there be set the Name and the Place of Abode of the Author, Printer, and Publisher thereof.*

Resolved, That no Bookseller, or other Person, shall sell or disperse any Book, Pamphlet, or Paper, to which the Name and Place of Abode of the Author, Printer, and Publisher shall not be set.

Ordered, That a Bill be brought in upon the said Resolutions.

On the 10th of June, a Bill brought in accordingly by Sir Gilbert Dolben, Sir Thomas Powys, Mr. Attorney General, Mr. Conyers, and Mr. Hungerford, for Restraining the great License taken in publishing false and scandalous Libels, was read the first Time.

On the 12th of June the said Bill was read a Second Time, and committed to a Committee of the whole House. But the Session concluding soon after, nothing more was done in this Bill. *Of which we cannot give a Copy, the Register of the Bills kept by the Clerks of the House of Commons having a Memorandum in the Margin, That it is missing.*

The next Session was opened on the 9th of April 1713, by a Speech from the Throne, wherein her Majesty said.

Several Matters were laid before you last Session, which the Weight and Multiplicity of other Business would not permit you to perfect: I hope you will take a proper Opportunity to give them due Consideration.

I cannot however but expressly mention my Displeasure at the unparallel'd Licentiousness in publishing seditious and scandalous Libels.

The Impunity such Practices have met with, has encouraged the Blaspheming every Thing sacred, and the Propagating Opinions tending to the Overthrow of all Religion and Government. Prosecutions have been ordered; but it will require some new Law to put a Stop to this growing Evil, and your best Endeavours, in your respective Stations, to discourage it.

Hereupon, the 18th of *April*, it was ordered, That Leave be given to bring in a Bill to prevent the Printing and Publishing blasphemous, treasonable, seditious, and scandalous Books and Libels; and for the better regulating of the Prefs: And that Sir *Thomas Powys*, Mr. Attorney-General, and Mr. Solicitor-General, do prepare and bring in the same.

On the 12th of *May* Sir *Thomas Powys* presented to the House, (according to Order) a Bill entitled as above; which was received, and read the first Time.

On the 20th of *May* the said Bill was read a Second Time, and committed to a Committee of the whole House.

But no more was done in it this Session; which was the last this Parliament had to fit.

That Bill was in the following Terms:

WHEREAS the Want of a due Regulation of the Press has been a great Occasion of the unparalleled Licentiousness of late taken in printing and publishing scandalous, seditious, treasonable and blasphemous Books, Pamphlets, and Libels, tending to create Divisions among her Majesty's Subjects, to disturb the publick Peace, to increase Immorality and Prophaneness, and to overthrow all Religion and Government: For Remedy whereof, *Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same,* That from and after the Day of

no Press for the printing of Books, Pamphlets, or Papers, erected or set up, or to be erected or set up in *Great Britain*, shall be made use of in Printing, nor shall the Owner or Master of such Printing Press, or any Person or Persons having any Interest or Share therein, or the Possession thereof, use or permit such Press to be used in Printing, until he, she or they shall have first entred and registred the same in Manner as herein after is directed, that is to say, If such Printing Press is or shall be erected or set up within the Cities of *London* and *Westminster*, or within

Miles of either of them, an Entry thereof shall be made and registred in a Book or Register for that Purpose to be kept by

And

And if such Printing Press is or shall be erected or set up in either of the Two Universities of *Oxford* and *Cambridge*, or within Miles of either of them, an Entry thereof shall be made and registred in Books or Registers to be kept by

And if such Printing Press is or shall be erected or set up in any City or Town Corporate, or in any other Place within that Part of *Great Britain* called *England*, the Dominion of *Wales*, or Town of *Berwick* upon *Tweed*, an Entry thereof shall be made and registred in a Book or Register to be kept by

And if such Printing Press is or shall be erected or set up within the City of *Edinburgh*, or within Miles of the same, an Entry thereof shall be made and registred in a Book or Register to be kept by

And if such Printing Press is or shall be erected or set up in any of the Universities in that Part of *Great Britain* called *Scotland*, or within Miles of any of them, an Entry thereof shall be made and registred in Books or Registers to be kept by.

And if such Printing Press is or shall be erected or set up in any other City or Town Corporate, or in any other Place within that Part of *Great Britain* called *Scotland*, or the Dominions thereof, an Entry thereof shall be made
and

and registred in a Book or Register to be kept by

And further, That no Person or Persons, after Entry or Registry of such Printing Press made, as aforesaid, who shall remove his, her or their Habitation, or any such Printing Press to any other Place, shall use or permit such Press to be used in such Printing, until he, she or they shall have made a new Entry or Registry thereof, according to the respective Directions aforesaid ; all which Entries or Registers shall be made by inserting in the said respective Books or Registers, in Words at Length, the respective Christian Names, Surnames, and Places of Abode of the Owner, Master, and Possessor of every such Printing Press, together with the Place wherein such Printing Press is or shall be erected, set up, and intended to be used ; for which shall be paid the Sum of and no more. And if any such Person or Persons, as aforesaid, shall use, or permit to be used in such Printing any such Printing Press, before the same shall have been entred and registred, as aforesaid, every such Person shall

And be it further Enacted by the Authority aforesaid, That from and after the Day of every Person who shall print, or cause to be printed, any Book, Pamphlet, or Paper, shall to the Title Page, or at the End of every such Book, Pamphlet, or Paper, so by him or her printed or caused to be printed

printed as aforesaid, print the true Christian Name and Surname of the Printer, Author, and Publisher thereof, upon

And for the better Discovery of any Frauds and Abuses which shall or may be committed contrary to the true Intent and Meaning of this Act, *Be it further Enacted by the Authority aforesaid*, That from and after the Day of it shall and may be lawful to and for any Person or Persons authorized or appointed by at any Time any House or Place, where any such register'd Printing Press shall be kept, and to search for prophane, treasonable, or seditious Books, Pamphlets, or Papers, and to take from thence such Book, Pamphlet, or Paper there found, paying after the Rate of for each and every Sheet of the same, to the End that such Book, Pamphlet, or Paper so as aforesaid, may be made Use of in any Prosecution for Printing or Publishing the same. And for the effectual Discovery of Printing Presses set up and used, or to be set up and used in such Printing, not entred and register'd as aforesaid, *Be it further Enacted by the Authority aforesaid*, That if it shall appear that there is Reason to suspect that any such Printing Press is set up and used in any House or Place not being entred and register'd as aforesaid, it shall and may be lawful for any Person or Persons such House or Place, and for any such Printing

ing Press ; and if, upon he or they
 shall find any such Printing Press not entred
 or register'd as aforesaid And if
 any Owner, Master, or Possessor of any such
 Printing Press shall refuse to permit or suffer
 any Person or Persons so authorized as afore-
 said, to into his or her House,
 Warehouse, or Printing-Place, being there-
 unto required, to search for prophane, treason-
 able, or seditious Books, Pamphlets, or Pa-
 pers, to take from thence such Book,
 Pamphlet, or Paper, paying for the same as
 aforesaid, every such Person so refusing shall

*And be it further Enacted by the Authority
 aforesaid, That no Bookfeller or other Person,
 using the Trade of selling Books, Pamphlets,
 or Papers in their Houses or Shops in Great
 Britain, shall after the Day of
 sell, give, expose, or offer to Sale, any such
 Book, Pamphlet, or Paper, that shall be
 printed after the Day of in
 Great Britain, upon which the Christian Name
 and Surname of a Printer, Author, and Pub-
 lisher shall not be expressed in Words at Length
 upon*

*And be it further Enacted by the Authority
 aforesaid, That if any Hawker or other
 Person shall, from and after the Day
 of in the Publick Streets,
 or elsewhere, out of his, her or their Houses
 or Shops, sell, disperse or expose to sale any
 Book, Pamphlet or Paper on which the Chris-
 tian*

tian Name and Surname of some Person, as Printer thereof, shall not be set in Manner aforesaid, and shall thereof be convicted by his, her or their Confession, or the Oath of credible Witnesses, before

shall And also if such Hawker, or other Person, from and after the Day of shall not, being there-to required, by Discover

the Printer or Person from whom he, she or they bought, had or received any Book, Pamphlet or Paper, by him, her or them sold, dispersed or exposed to sale, out of his her or their House or Shop as aforesaid, it shall and may be lawful to such to

And be it further Enacted, by the Authority aforesaid, That if any Person or Persons, from and after the Day of shall set, or cause to be set to any Book, Pamphlet or Paper, any Names, as the Names of the Printer or Publisher of such Book, Pamphlet or Paper, which shall not be the true Christian Names and Surnames of the true Printer and Publisher thereof, such Person shall

Provided always, That nothing in this Act shall extend or relate to any Acts of Parliament, Proclamations, Orders of Council, Forms of publick Prayer and Thanksgiving, or any Acts of State which shall be

ordered by Her Majesty, her Heirs or Successors to be printed, or the *London Gazette*, or the printed Votes of the House of Commons, or other Matters which are or shall be ordered to be printed by either House of Parliament.

Provided also, and be it further enacted by the Authority aforesaid, That this Act shall continue

A new Parliament being called, the Queen went to the House of Peers the 2d of *March* 1713-14, and made a Speech to both Houses, in which are these Words.

I wish that effectual Care had been taken, as I have often desired, to suppress those seditious Papers and factious Rumours, by which designing Men have been able to sink Credit, and the Innocent have suffered.

The Commons in their Address in Answer to this Speech ; say,

They will on all Occasions shew their just Abhorrence of the licentious Practices in publishing scandalous Papers, and spreading seditious Rumours.

And on the 11th of *March* the House resolved, That on the 13th they would resolve themselves into a Committee of the whole House, to take into Consideration that Part of
Her

Her Majesty's Speech, which relates to the suppressing seditious Libels and factious Rumours.

But this was postponed from one Time to another, and nothing done in it during that Session, which ended three Weeks before Her Majesty's Death.

It is most apparent, that the Proceedings of these two Houses of Commons, with relation to the Licentiousness of the Press, did not take their Rise from them, but were expressly recommended to them over and over by Speech or Message from the *Throne*, which, according to the *Craftsman*, is always an Act of the *Ministry*; and the *Ministry*, as he has been asserting these five Years, is some *one particular Man*: And therefore sure we cannot mistake, when, finding the Name of one of Queen *Anne's* Ministers in the Front of these Proceedings, we charge him with the Whole.

Having shewn what was the declared Opinion of that Minister, and of the Party which prevailed among the Commons, of the Licentiousness of the Press, let us take a View of their Practices with Relation to Printing.

The Press was very much employed, both by the House of Commons and by the Minister.

From the House came Reports and Representations, exposing and censuring the Conduct of the Allies, the former Ministry, and the Negotiation of the *Barrier* Treaty; and charging the General of the Confederate Forces, as also some particular Persons at Home, with Corruption in their Employments.

From the Minister, and from his Creatures, came Shoals of Pamphlets and Papers, many of which were diligently and profusely dispersed all over the Kingdom. No body that remembers those Times need be told, with what Insolence and Petulancy, what Obloquy and Defamation, the most distinguished Persons, and indeed all Bodies and Parties of Men, who held Revolution-Principles, and stood firm to the *Hanover* Succession, were treated in those Papers; and how they were adapted to all Tastes, from professed *Jacobites*, and Church Bigots, down to the meanest and most dissolute Part of the Nation. In short, the Press had its full Swing on their Side.

On the other Hand, this their flagrant and coarse Behaviour, and its manifest Tendency to the worst of Evils that *Protestants* could fear, incited the opposite Party to write with great Spirit and Freedom.

Now let us see whether the Hand of Equity was carried equally towards such Writers on both

both Sides, as made themselves obnoxious, either to the ruling Party, or to the Laws of our Country.

In the first Place, we must take Notice that the House of Commons, not condescending to refer some Cases to the ordinary Courts of Justice, thought fit to censure or punish the Writing or Publishing of certain Pieces summarily by their own Power.

On the 8th of *April* 1712, a Complaint being made to the House of a printed Pamphlet, entituled, the *Daily Courant*, Monday, *April* 7, 1712, reflecting upon the Proceedings of the House, the same was brought up to the Table, and the Title of the pretended Memorial there inserted, and a Paragraph therein, were read. Whereupon the House resolved, that the pretended Memorial printed in the said *Daily Courant*, was a false, scandalous, and malicious Libel, reflecting upon the Resolutions of the House, and the Address of the House to Her Majesty thereupon, in Breach of the Privilege of their House.

And ordered a Committee to enquire who was the *Author*, Printer, and Publisher of the said Libel.

The Printer of the *Courant* attended the Committee, owned he had published it, and produced the Original printed in *Dutch* by Order
of

of the States-General, by their Printer in ordinary at the *Hague*; which demonstrated that the States themselves were the *Author*, and that it was a *real* Memorial which their High Mightinesses had been obliged to publish in their necessary Defence, to prove (as the Title bears) that they were unjustly charged by the Resolutions or Votes of the House of Commons of the Parliament of *Great Britain*, and the subsequent Address of the said House of Commons thereupon presented to Her Majesty the Queen of *Great Britain*, with having been deficient in divers Respects during the War, in furnishing what, according to their *Quota* or Contingent, they stood engaged for, towards carrying on the said War.

On the 11th Mr. *Hungerford* reported from the Committee the Matter, as it appeared to them; which Report being read, the House resolved,

That it appearing to the House, that Samuel Buckley was the Printer of the pretended Memorial printed in the Daily Courant of the 7th Instant, he should for the said Offence, [an Offence created by their voting it to be a pretended Memorial] be taken into Custody of the Serjeant at Arms attending the House.

On the 10th of June, 1712, a Complaint being made to the House of the Preface to a Book, entitled, *Four Sermons, I. On the Death*
of

of Queen Mary, 1694. II. On the Death of the Duke of Gloucester, 1700. III. On the Death of King William, 1701. IV. On the Queen's Accession to the Throne, in 1703; by William Lord Bishop of St. Asaph: The Book was brought up, and the Preface was read: Whereupon the House came to this Resolution.

That the said Preface is malicious and factious, highly reflecting upon the present Administration of publick Affairs under her Majesty, and tending to create Discord and Sedition amongst her Subjects.

And ordered,

That the said Preface be burnt by the Hands of the common Hangman, upon Thursday next at Twelve of the Clock, in the Palace-Yard, Westminster; and that the Sheriffs of London and Middlesex do assist the Serjeant at Arms attending the House in the Execution thereof.

On the 12th of March, 1713-14, a Complaint was made to the House of three printed Pamphlets; one entitled, *The Englishman*. From Saturday, January 16, to Tuesday, January 19, 1713-14; wherein is a printed Letter to the *Englishman*, to which is subscribed the Name *Richard Steele*: Another entitled *The Crisis*, in the Title Page whereof it is said, By *Richard Steele, Esq;*: And the other, entitled, *The Englishman*, being the Close of the
Paper

Paper so call'd ; in the Title Page whereof it is also said, *By Richard Steele, Esq;* as containing several Paragraphs tending to Sedition, highly reflecting on her Majesty, and arraiging her Administration and Government.

On *Thursday, March 18*, the said Pamphlets were taken into Consideration, and Mr. *Steele* appearing in his Place, and owning he wrote and published the said Pamphlets, and the several Paragraphs therein which had been complained of ; It was resolved, *That he should then proceed to make his Defence upon the Charge given against him.*

And he proceeded accordingly, was heard in his Place, and withdrew.

Then the House resolved,

That a printed Pamphlet, entitled, The Englishman, being the Close of the Paper so called ; and the other Pamphlet, entitled The Crisis, written by Richard Steele, Esq; are scandalous and seditious Libels, containing many Expressions highly reflecting upon her Majesty, and upon the Nobility, Gentry, Clergy, and Universities of this Kingdom, maliciously insinuating, That the Protestant Succession in the House of Hanover is in Danger under her Majesty's Administration ; and tending to alienate the Affections of her Majesty's good Subjects, and to create Jealousies and Divisions among them.

Resol.

Resolved, *That Richard Steele, Esq; for his Offence in writing and publishing the said scandalous and seditious Libels, be expelled the House.*

While this Farce was acting, of the House of Commons repeating with great Gravity from time to time in their Votes, that a Bill was going forwards to prevent the printing and publishing blasphemous, treasonable, seditious and scandalous Books and Libels, and for the better regulating of the Press; and were arbitrarily punishing Whigs, as if Whigs only made the Press so great a Nuisance; the House of Lords thought fit to try an Experiment, whether Justice could be had against Tory Incendiaries.

On the 2d of *March*, 1713-14, a Complaint was made in the House of Lords against a Pamphlet, entitled, *The Publick Spirit of the Whigs, &c.* printed for *John Morphew*, 1714: Whereupon the said *Morphew* was ordered into the Custody of the Black Rod, that he might be examined; and he upon Examination declaring, that an unknown Porter had brought to his House the Copies of the Pamphlet in question, from the House of *John Barber*, Printer of the *Gazette*, and of the Votes of the House of Commons; the said *John Barber* was also ordered into the Custody of the Black Rod; and both he and *Morphew* were, on the 5th of *March*, severally examined at the Bar of the

D
House

House of Lords. Mr. *Morphew* made the former Declaration, and owned the publishing and selling of that Pamphlet ; but Mr. *Barber* insisting not to answer any Question, the Answer to which might tend to accuse himself, or to corroborate the Accusation against him ; they being withdrawn, it was urged, That it highly concerned the Honour of that august Assembly, to find out who was the Author of that false and scandalous Libel, in order to do the *Scotch* Nation Justice ; and thereupon it was moved, That, in order to that Discovery, *Barber* might be again examined the next Day, together with his Journeymen and Servants. This was agreed to ; but on the 6th of *March*, the Earl of *Marr*, one of her Majesty's Principal Secretaries of State, acquainted the House, that he had already ordered *John Barber* to be prosecuted : Which put a Stop to all further Enquiries about that Matter in a Parliamentary Way. Three Days after, the Lords resolved upon an Address to the Queen, which was reported and agreed to on the 11th of *March*, and on the 15th presented to her Majesty, as follows :

WE your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal in Parliament assembled, beg leave humbly to represent to your Majesty, that we have begun our Endeavours to suppress seditious Papers, which your Majesty was pleased to take Notice of in your most gracious Speech from the Throne, by applying

ing ourselves to discover the Author, Printer, and Publisher, of a Pamphlet, intituled, The Publick Spirit of the Whigs, set forth in their generous Encouragement of the Author of the Crisis; with some Observations on the Seasonableness, Candor, Erudition and Stile of that Treatise. London, Printed by John Morphew, near Stationers-Hall 1714. Which we conceive to be a false, malicious and seditious Libel, highly dishonourable and scandalous to your Subjects of Scotland, tending to the Destruction of the Constitution, and (by making false and unjust Reflections upon the Union, and the Steps and Motives to it) most injurious to your Majesty, who have been pleased often to declare from the Throne, that the Union of the Two Kingdoms is the peculiar Happiness of your Reign, in making a full Provision for the Peace and Quiet of your People, and the Security of our Religion, by so firm an Establishment of the Protestant Succession throughout Great Britain: It appeared to us, by the Confession of the said John Morphew, at our Bar, that he published, sold, and dispersed, that Libel; and by the Examination of several Witnesses on Oath, that the same was printed by John Barber, a Printer, who at the Time of the printing the said seditious Libel, was and yet is intrusted in printing the Gazette: But the said John Barber, in his Examination, insisting not to answer any Question, the Answer to which might tend to accuse himself, or to corroborate the Accusation against him, we have not as yet been able to discover the Author of the said Libel, or who brought the written Copy thereof to be printed; and there-

fore, that nothing may be wanting on our Parts, towards the discovering and punishing so great a Criminal, as we take the Author of the said Libel to be, we do most humbly beseech your Majesty, that your Majesty will be graciously pleased to issue your Royal Proclamation, with a Promise therein of such a Reward as your Majesty shall in your Royal Wisdom think fit, to any Person who shall discover and make due Proof against the Author or Authors of the said Libel; as also your Majesty's most gracious Pardon to such Person or Persons as shall make such Discovery, of all Crimes and Misdemeanors committed in relation to the Printing, Publishing, and dispersing the said Libel.

Her Majesty's was pleased to answer.

I Thank you for the Concern you show for suppressing all seditious Libels: And have given Order for a Proclamation; according as is desired.

And a Proclamation was issued, promising Three Hundred Pounds to any Person who should discover the said Author, &c. But without Effect.

This Affair came to nothing, as happening but a few Months before the Queen's Death. But what it would have come to had her Majesty lived, may be easily judged by the Sequel of the Account we are giving.

We

We pass on now to the Proceedings against Persons in the ordinary Forms of Law.

On the 8th of *September*, 1712, *George Ridpath*, Author of the *Flying Post*, was apprehended by a Warrant from the Lord Viscount *Bolingbroke*, and committed to *Newgate*. The next Day he brought his *Habeas Corpus*, and was admitted to Bail before the Lord Chief Justice *Parker*; *Grey Neville* of *Billingbear* in *Berkshire*, Esq; and Mr. *Walter Stewart*, an eminent *London* Merchant, being his Sureties.

On the 14th of *February*, 1712-13, Mr. *Ridpath* was tried at *Guildhall*, upon an Information brought against him by Mr. Attorney-General, for publishing three Libels in three several *Flying Posts*: The Tryal lasted eight Hours. The Jury, withdrawing about half a quarter of an Hour, brought *Ridpath* in Guilty.

On the 27th of *April*, 1713, A Rule of Court was made for Mr. *George Ridpath* to appear in the Court of *Queen's Bench* on the 1st of *May*, in order to receive Sentence: And upon his not appearing, his Recognizances were ordered to be estreated. It was apprehended that he would have been condemned to an ignominious Punishment; and therefore, making over to his Sureties all the Effects he could, they consented to his going beyond Sea.

On

On the 19th of May was inserted in the *London Gazette* the following Advertisement.

*Whereas George Ridpath, who has been convicted for writing some, and is under Prosecution for writing several other scandalous and seditious Libels, intituled The Flying Post, highly reflecting upon her Majesty and her Government, has * left his Bail, and is fled from Justice: These are to give Notice, That if any Person will make Discovery where the said George Ridpath is, so that he may be taken, and brought to Justice, her Majesty is graciously pleased to promise him a Reward of One Hundred Pounds, to be paid by the most Honourable the Lord High Treasurer of Great Britain.*

BOLINGBROKE.

On the 2d of September, 1712, William Hurt, the Printer of the *Flying Post*, was apprehended by a Warrant from the Lord Viscount Bolingbroke, and committed to Newgate. Two Days after, upon his bringing his *Habeas Corpus*, he was admitted to Bail before

* His Bail never complained of his leaving them. On the contrary, they declared they would pay the Forfeiture; but by the precipitate and indirect Endeavours that were used to estreat the Recognizance, and levy the Penalty upon the Bail, before it ought to have been done according to the common Course of the Exchequer, the Bail never could be legally compelled to pay it during the rest of that Reign; and so saved their Money.

Mr.

Mr. Baron *Lovell*. On the 10th of *June*, 1713, he was tried for printing and publishing a scandalous Libel, entitled, *The British Ambassadors's Speech to the French King*, at the *Queen's Bench Bar* at *Westminster*; and, after a Tryal that lasted three Hours, was found Guilty. On the 25th of *June* he received Sentence of the said Court, to stand in and upon the Pillory on *Saturday* the 27th of *June*, in the *Palace-Yard, Westminster*, for the Space of an Hour, with a Paper denoting his Offence; and on *Saturday* the 4th of *July*, at *Charing-Cross*; and on *Saturday* the 11th of *July*, at the *Royal Exchange*, in like Manner; to pay a Fine of Fifty Pounds to her Majesty; to be imprisoned for two Years, and until he should pay the said Fine; and to find sufficient Sureties for his good Behaviour during Life.

The Prosecutions of these two Persons are not to be exclaimed against; because they were carried on in the Legal Forms, to the Time of their Conviction.

But a remarkable Circumstance happen'd in the Punishment of *Hurt*, that shews how well *Ridpath* was advised, when he timely fled his Country.

The Political State of *Great Britain* for *July* 1713, relates, that Mr. *Hurt* stood in the Pil-

Pillory on the 25th of *June* and 4th of *July*; and tho' several Persons were set on to abuse him, yet his Friends were so industrious in diverting the Mob, that he escaped unhurt. On the 11th of *July*, when he stood again in the Pillory at the *Royal Exchange*, there appeared to be a formed Design to Stone him to Death; which might have easily been put in Execution, by Reason there was but a small Number of Sheriffs-Men to guard the Prisoner; but his Friends having engaged a great Number of the Spectators to protect him, there ensued a warm Skirmish, which was renewed three Times, and maintained on both Sides with great Obstinacy and Fury; inso-much, that Eleven or Twelve Persons were laid sprawling on the Ground, sorely wounded with Cudgels: But at last, those who endeavoured to defend Mr. *Hurt*, got the *Victory*; and after he had stood out his Time in the Pillory, he was carried safe into a neighbouring Tavern. It was observed, that a Man-Cook, belonging to a certain Nobleman, was very active, and soundly beaten in the Fray; which raised a Suspicion that he might be set on by his Master.

'Tis well remembred what Nobleman was then talked of for this Exploit of his Servant; Probably the *Craftsman* can truly tell his Name, and whether he is still a Nobleman.

In

In 1713, three Pamphlets were published, very quickly one after another, under the following Titles.

1. *And what if the Pretender should come? or, Some Considerations of the Advantages and real Consequences of the Pretender's possessing the Crown of Great Britain.*

2. *Reasons against the Succession of the House of Hanover, with an Enquiry how far the Abdication of King James, supposing it to be Legal, ought to affect the Person of the Pretender.*

3. *An Answer to a Question that no body thinks of, viz. But what if the Queen should dye?*

These gave great Alarm to the Friends of the Protestant Succession; the more, because it was perceived they passed currently under the Connivance of the Ministry, like other gross and daring Pamphlets written by their Emis-saries.

Whereupon *William Benson, Esq;* a Gentleman zealous for that Succession, applied himself to discover the Author, resolving to prosecute him at his own Expence. He first caused several of the Pamphlets to be bought and marked for Evidence against the common Publishers; next by their Means, he got Proof against the Printer of them; and then, by

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shewing the Printer his own Danger, prevailed with him to give an Information upon Oath, before the Lord Chief Justice of the Court of *Queen's Bench*, that *Daniel De Foe* was the Author of them all. Upon this legal Information, the Chief Justice granted his Warrant for taking up *De Foe*, to answer for the Writing of these Pamphlets ; which with great Difficulty, and after long laying in wait for him, was done. Being brought before the Lord Chief Justice, his Lordship ordered his Tipstaff to keep him in safe Custody till he could find Bail. Having procured Bail, the Lord Chief Justice thought it proper that their Names and Places of Abode, should be sent to the Solicitor for the Prosecutor. Who having enquired after them, and having received Notice of the Time *De Foe* was to be brought with his Bail before the Lord Chief Justice, in order to a Recognizance and to his Discharge, he (the Solicitor for the Prosecutor) attended ; and declared, that after due Enquiry, he had found them to be Persons of small Substance. But Mr. *Borrett*, who was then the Solicitor for the Affairs of the Treasury, attending at the Lord Chief Justice's Chambers at the same Time, and declaring that he had received Orders to prosecute, and that he had enquired after and did approve of the Bail proposed, his Lordship told Mr. *Borrett* he was glad to see that the Government had undertaken a Prosecution so highly requiring their Care ; and that since he (Mr. *Borrett*) liked the Prisoner's Bail, he would

would accept of it; which was accordingly done, and *De Foe* set at Liberty.

After this, the first Prosecutor and his Solicitor frequently attended the then Attorney General, to put him in mind of the Prosecution which Mr. *Borret* had declared the Government had ordered to be carried on. And so at length an Information came to be filed against *De Foe* for a Misdemeanour only, tho' other Lawyers thought his Offence amounted to High Treason.

The Passages (which were not selected by the Direction of his Enemies) from the said Pamphlets, that were charged upon him in the Information as amounting only to a Misdemeanour, were these.

From the First Pamphlet, intituled, *And what if the Pretender should come?* ' The Author of
' the Review, one of the most furious Opposers
' of the Name and Interest of the Pretender,
' openly grants his Legitimacy, and pretends to
' argue against his Admission from Principles
' and Foundations of his own Forming. We
' shall let alone his Principles and Foundations
' here, as we do his Arguments, and only
' take him by the Handle which he fairly
' gives us, viz. That he grants the Person of the
' Pretender Legitimate: If this be so, if the
' Person we contend about be the lawful true
' Son of King *James's* Queen, the Dispute
E 2 ' whether

whether he be the real Son of the King will
 be quite out of the Question: Because by the
 Laws of *Great Britain*, and of the whole
 World, a Child born in Wedlock shall inherit
 as Heir of the Mother's Husband, whether be-
 gotten by him, or his real Father or not. Now
 to come at the true Design of this Work,
 the Business is to hear (as above) what either
 Side have to say to this Point. The Friends
 of his Birth and Succession argue upon it
 thus: If the Person be lawfully begotten;
 that is, if born really of the Body of the
 Queen Dowager during the Life of King
James, he was, without any Exception, his
 lawful Son: If he was his lawful Son, he was
 his lawful Heir: If he was his lawful Heir,
 why is he not our lawful King? since Here-
 ditary Right is indefeasible, and is lately ac-
 knowledged to be so; and that the Doctrine
 of Hereditary Right being indefeasible, is a
 Church of *England* Doctrine, ever received
 by the Church, and inseparable from the
 true Members of the Church: The contrary
 being a stigmatizing Character of Repub-
 licans, King-Killers, Enemies to Monarchy,
 Presbyterians, and Phanaticks,

In another Part of the same Pamphlet, ' The
 Matter of his Title standing thus, divides
 the Nation into two Parties, one Side for,
 and the other against the Succession, either
 of the Pretender, or the House of *Hanover*,
 and either Side calling the other the Preten-
 der;

der ; so that if we were to use the Parties
 Language, we must say, one Side is for, and
 the other Side against either of the Pretenders.

In another Part of the same Pamphlet,
 What either of them have to alledge, is our
 present Work to enquire ; but more particularly, what are the real or pretended Advantages of the expected Reign of him who we are allowed to distinguish by the Name of the Pretender : For his Friends here would have very little to say to move us to receive him, if they were not able to lay before us such Prospects of national Advantages, and such Views of Prosperity, as would be sufficient to prevail with those who have their Eyes upon the Good of their Country, and of their Posterity after them.

In another Part of the same Pamphlet,
 Now it is evident, that upon a peaceable admitting this Person whom they call the Pretender to receive and enjoy the Crown here, all that formidable Power becomes your Friend, and the being so, must necessarily take off from it every thing that is called terrible ; for as much as the greater Terror and Amusement the Power we apprehend really carries with it, the greater is the Tranquillity and Satisfaction which accrues to us when we have the Friendship of that Power which was so formidable to us before.

In

In another Part of the same Pamphlet,
 ' And is not this then an Advantage incompa-
 ' rably greater to *Britain*, when the Pretender
 ' shall be upon the Throne, than any we can
 ' propose to ourselves in the present uneasy Po-
 ' sture of Affairs, which it must be acknow-
 ' ledged we are in now, when we cannot sleep
 ' in quiet for the terrible Apprehensions of be-
 ' ing over-run by the formidable Power of
 ' *France*?

In another Part of the same Pamphlet,
 ' But we have yet greater Advantages atten-
 ' ding this Nation by the coming of the Pre-
 ' tender than any we have yet taken Notice
 ' of; and though we have not room in this
 ' short Tract to name them all, and enlarge
 ' upon them as the Case may require, yet we
 ' cannot omit such due Notice of them as may
 ' serve to satisfy our Readers, and convince
 ' them how much they ought to favour the
 ' coming of the Pretender as the great Benefit
 ' to the whole Nation. And therefore we shall
 ' begin with our Brethren of *Scotland*; and
 ' here we may tell them, that they of all the
 ' Parts of this Island shall receive the most
 ' evident Advantages, in that the setting the
 ' Pretender upon the Throne, shall effectually
 ' set them free from the Bondage they now
 ' groan under in their abhorr'd Subjection to
 ' *England* by the Union; which may no
 ' Question be declared void and dissolved as
 ' a Violence upon the *Scottish* Nation, as
 ' soon

‘ soon as ever the Pretender shall be establish-
 ‘ ed upon the Throne.

‘ In another Part of the same Pamphlet;
 ‘ Nor is the dissolving the Union so desirable a
 ‘ Thing, meerly as that Union was an esta-
 ‘ blishing among us a wicked Schismatical
 ‘ Presbyterian Generation, and giving the Sanc-
 ‘ tion of the Laws to their odious Constitu-
 ‘ tion, which we esteem (you know) worse
 ‘ than Popery; but even on civil Accounts,
 ‘ as particularly on Account of the P--rs of
 ‘ *Scotland*, who many of them think themselves
 ‘ egregiously maltreated and robbed of their
 ‘ Birth-right as P--rs, and have expressed
 ‘ themselves so in a something publick Man-
 ‘ ner. Now we cannot think that any of
 ‘ these will be at all offended that all this
 ‘ new Establishment should be revoked; nay,
 ‘ we have heard it openly said, that the *Scots*
 ‘ are so little satisfied with the Union at this
 ‘ Time, that if it were now to be put to the
 ‘ Vote, as it was before, Whether they should
 ‘ unite with *England* or no, there would
 ‘ not be one Man in fifteen throughout *Scot-*
 ‘ *land* that would vote for it. If then it ap-
 ‘ pears that the whole Nation thus seems to
 ‘ be averse to the Union, and by the coming
 ‘ in of this most glorious Pretender that Uni-
 ‘ on will be in all Appearance dissolved,
 ‘ and the Nation freed from the Incumbrance
 ‘ of it, will any *Scotsman* who is against the
 ‘ Union refuse to be for the Pretender? Sure

‘ it

' it cannot be. I know it is alledged, that
 ' they will lay aside their Discontent at the
 ' Union, and unite together against the Pre-
 ' tender, because that is to unite against Po-
 ' pery. We will not say what a few who have
 ' their Eyes in their Heads may do, but as
 ' the Generality of the People there are not so
 ' well reconciled together as such a Thing
 ' requires, it is not unlikely that such a uni-
 ' ting may be prevented if the Pretender's
 ' Friends there can but play the Game of di-
 ' viding them farther as they should do; to
 ' which End, it cannot but be very service-
 ' able to them to have the real Advantages of
 ' receiving the Pretender laid before them;
 ' which is the true Intent and Meaning of
 ' the present Undertaking.

From the Second Pamphlet, entitled, *Rea-*
sons against the Succession of the House of Ha-
nover, ' Further, if *Hanover* should come
 ' while we are in such a Condition, we shall
 ' ruin Him or He us; that is most certain.

In another Part of that Pamphlet, ' He must
 ' have small Sense of the State of our Case,
 ' I think, who, in our present Circumstances,
 ' can desire the *Hanover* Succession should take
 ' Place.

In another Part of that Pamphlet, ' These
 ' are some good Reasons why the Succession of
 ' the House of *Hanover* should not be our pre-
 ' sent View.

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In another Part of that Pamphlet, ' Let any
 ' true Protestant tell me, how we can pretend
 ' to be for the *Hanover* Succession? It is evi-
 ' dent, that the Divine Hereditary Right
 ' of our Crown, is the main great Article
 ' now in Debate : You call such a Man
 ' the Pretender, but is he not the Son of our
 ' King? And if so, What is the Protestant
 ' Religion to us? Had we not much better
 ' be Papists than Traitors?

In another Part of that Pamphlet, ' No Ques-
 ' tion but every honest *Briton* is for a peaceable
 ' Succession. Now if the Pretender comes,
 ' and is quickly established on the Throne,
 ' why then, you know, there is an End of all
 ' your Fears of the great and formidable Power
 ' of *France*. We have no more Need to fear
 ' an Invasion, or the Effects of leaving *France*
 ' in a Condition by the Peace to act against
 ' us, and put the Pretender upon us; and
 ' therefore Peace being of so much Conse-
 ' quence to this Nation, after so long and
 ' so cruel a War, none can think of entering
 ' upon a new War for the Succession without
 ' great Regret and Horror. Now it cannot
 ' be doubted, but the Succession of *Hanover*
 ' would necessarily involve us again in a War
 ' against *France*, and that perhaps when we
 ' may be in no good Case to undertake it.

In another Part of that Pamphlet, ' Since
 ' then the Succession of *Hanover* will necessa-
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' rily involve us in a new War against *France*,
 ' and for the Reasons above, if they are al-
 ' lowed to be good Reasons, we may not be
 ' in a Condition to carry on that War ; Is not
 ' this a good Reason why we should not in
 ' our present Circumstances be for that Suc-
 ' cession ? Other Reasons may be taken from
 ' the present Occasion the Nation may lye un-
 ' der of preserving and securing the best Ad-
 ' ministration of Things that ever this Nation
 ' was under in many Ages. And if this be
 ' found to be inconsistent with the Succession
 ' of *Hanover*, as some feign, it is hoped none
 ' will say, but we ought to consider what
 ' we do. If the Succession of *Hanover* is not
 ' inconsistent with these Things, what Reason
 ' have we to be for the said Succession, till
 ' that Posture of Things be arrived when that
 ' Inconsistency may be removed. And now
 ' People of *Britain*, be your own Judges upon
 ' what Terms you can think it reasonable to
 ' insist any longer upon the Succession : I do
 ' not contend that it is not a lawful Suc-
 ' cession, a reasonable Succession, an establish-
 ' ed Succession, nay a sworn Succession ; but
 ' if it be not a practicable Succession, and can-
 ' not be a peaceable Succession ; if Peace will
 ' not bring him in, and War cannot, what
 ' must we do ? It were much better not to have
 ' it at all, than to have it and ruin the King-
 ' dom, and ruin those that claim it at the same
 ' Time.

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In another Part of that Pamphlet, ‘ Now
 ‘ upon a more sedate considering the Matter,
 ‘ say they, the Case is clear that this Person
 ‘ is the real Son of King *James*; and the Fa-
 ‘ vourers of the Revolution go now upon a-
 ‘ nother Foundation, viz. the Powers of Parlia-
 ‘ ment to limit the Succession; and that Suc-
 ‘ cession being limited upon King *James*’s Ab-
 ‘ dication, which they call voluntary; so that
 ‘ now, say they, the Question about the Le-
 ‘ gitimacy of the Person called the *Pretender*
 ‘ is over, and nothing now is to be said of it.
 ‘ That he is the Son of King *James*, there is, say
 ‘ they, no more room to doubt; and therefore
 ‘ the Doctrine of Hereditary Right taking
 ‘ Place as the ancient professed Doctrine of the
 ‘ Church of *England*, there can be no Ob-
 ‘ jection against his being our lawful King, and
 ‘ it is contrary to the said Church of *England*
 ‘ Doctrine to deny it.

In the Third Pamphlet, entitled, *An An-
 swer to a Question that no body thinks of.* ‘ It is
 ‘ far from any Reflection upon the Ministry to
 ‘ say, That however they may act upon a
 ‘ right sincere Principle for the Protestant Suc-
 ‘ cession in all they do, which as above we
 ‘ profess to believe, yet that many of the Tools
 ‘ they make use of are of another Make, and
 ‘ have no Edge to cut any other Way, no
 ‘ Thoughts to move them towards any other
 ‘ End, no other Center which they can have
 F 2 ‘ any

‘ any Tendency to ; that the Pretender’s Inte-
 ‘ rest is the Magnet which draws them by its
 ‘ secret Influence to point to him as their Pole,
 ‘ that they have their Aim at his Establishment
 ‘ here, and own it to be their Aim ; and as
 ‘ they are not shy to profess it among them-
 ‘ selves, so their Conduct in many things
 ‘ makes it sufficiently publick.

In another Part of this Pamphlet ‘ But let
 ‘ the Ministry employ these Men by what
 ‘ Necessity or upon what Occasion they will,
 ‘ though it may not follow that the Ministry
 ‘ are therefore for the Pretender, yet it does
 ‘ not also follow, that there is no Danger of
 ‘ the Protestant Succession from the employ-
 ‘ ing those sort of People ; *for what if the*
 ‘ *Queen should dye ?*

In another Part of this Pamphlet, ‘ If we
 ‘ are not misinformed of the *French Affairs*, and
 ‘ of the Notions they have in *France* of these
 ‘ Things, they are generally no otherwise un-
 ‘ derstood, than that the King of *France* is en-
 ‘ gaged by the Peace now in View, not to di-
 ‘ sturb her Majesty’s Possessions during her
 ‘ Reign and Life ; but that then the Preten-
 ‘ der’s Right is to be received every where.

In another Part of this Pamphlet, ‘ It is
 ‘ known that the Queen, by course of Na-
 ‘ ture, may live many Years ; and these Peo-
 ‘ ple have many Reasons to be impatient of so
 ‘ much

‘ much Delay ; they know that many Acci-
 ‘ dents may intervene to make the Circum-
 ‘ stances of the Nation, at the Time of the
 ‘ Queen’s Death, less favourable to their Inte-
 ‘ rests than they are now ; they may have few-
 ‘ er Friends, as well in Power as out of Power,
 ‘ by Length of Time, and the like. These,
 ‘ and such as these Considerations, may excite
 ‘ villanous and murtherous Practices against
 ‘ the precious Life of our Sovereign ; (God
 ‘ protect her Majesty from them). But while
 ‘ all these Considerations so naturally offer
 ‘ themselves to us, it seems most rational,
 ‘ needful, seasonable and just, that we should
 ‘ be asking and answering this great Question,
 ‘ *What if the Queen should dye ?*

In another Part of this Pamphlet, ‘ The
 ‘ several Answers which may be given to this
 ‘ important Question, may not be proper for
 ‘ a publick Print, and some may not be fit
 ‘ so much as to be spoken ; the Question is
 ‘ not without its Uses, whether it be answered
 ‘ or no. If the Nation be sufficiently awakend
 ‘ but to ask the Question among themselves,
 ‘ they will be brought, by thinking of the
 ‘ Thing, to answer it one to another in a
 ‘ short Space ; the People of *Britain* want on-
 ‘ ly to be shewed what imminent Danger they
 ‘ are in, in case of the Queen’s Decease, how
 ‘ much their Safety and Felicity depends upon
 ‘ the Life of her Majesty, and what a State of
 ‘ Confusion, Distress, and all Sorts of dread-
 ‘ ful

ful Calamities they will fall into at her Majesty's Death, if something be not done to settle them before her Death; and if they are not, during her Majesty's Life, secured from the Power of *France*, and the Danger of the Pretender.

Thus stood the Charge against *De Foe* in the Information. But before the Cause was ripe for Tryal, *De Foe* was pardoned; and for fear the pardoning him for all Trespasses and Misdemeanours should not prove sufficient for him; and lest the Ministry, by pardoning him for all Treasons, should be reproached for having prosecuted him only for a Misdemeanour, a middle and sure Way was taken, by pardoning him for having written and caused to be printed and published, the three Pamphlets in Question, which were described in the Pardon by their several Titles. It is as follows,

ANNE R.

WHEREAS in the Term of the Holy Trinity last past, our Attorney General did exhibit an Information in our Court of Queen's Bench at Westminster, against Daniel De Foe, for writing, printing, and publishing three Libels, the one entitled, *And what if the Pretender should come?* or, *Some Considerations of the Advantages and real Consequences of the Pretender's possessing the Crown of Great Britain,*

tain. One other entitled, *Reasons against the Succession of the House of Hanover, with an Enquiry how far the Abdication of King James, supposing it to be Legal, ought to affect the Person of the Pretender.* And the third of them entitled, *An Answer to a Question that no body thinks of, viz. But what if the Queen should Dye?* And whereas the said Daniel De Foe, by his humble Petition hath represented unto us, That he with a sincere Design to propagate the Interests of the Hanover Succession, and to animate the People against the Designs of the Pretender, who he always looked upon as an Enemy to our Sacred Person and Government, did publish several Pamphlets, particularly one entitled, *Reasons against the Hanover Succession; one, What if the Pretender should come? and others; that in all which Books, although the Titles seemed to look as if written in Favour of the Pretender; and several Expressions, as in all ironical Writing it must be, may be wrested against the true Design of the whole, and turned to a Meaning quite different from the Intention of the Author; yet the Petitioner humbly assures us in the solemnest Manner possible, that his true and only Design, in all the said Books, was by an ironical Discourse of recommending the Pretender in the strongest and most forcible Manner to expose his Designs, and the ruinous Consequences of his succeeding therein; That the Petitioner humbly hopes, the Truth of this will appear to our Satisfaction by the Books themselves, where the following Expressions are very plain, viz. That the*

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Pretender is recommended as a Person proper to amass the *English* Liberty into his own Sovereignty, supply them with the Privileges of wearing wooden Shoes, easing them of the Trouble of chusing Parliaments ; and the Gentry and Nobility of the Hazard and Expence of Winter Journeys, by governing them in that more righteous Method of his absolute Will, and enforcing the Laws by a glorious Standing-Army ; paying all the Nations Debts at once, by stopping the Funds and shutting up the *Exchequer* ; easing and quieting their Differences in Religion, by bringing them to the Union of Popery, or leaving them at Liberty to have no Religion at all ; *and the like ; that these are some of the very Expressions in the said Books, in which the Petitioner sincerely design'd to expose, and oppose, as far as in him lies, the Interests of the Pretender, and with no other Intention. Nevertheless the Petitioner to his great Surprise has been misrepresented, and the said Books misconstrued, as if written in Favour of the Pretender ; and the Petitioner is now under Prosecution for the same ; which Prosecution, if further carried on, will be the utter Ruin of the Petitioner and his numerous Family : Wherefore the Petitioner humbly assuring us of the Innocence of his Design as aforesaid, flies to our Clemency, and most humbly implores our most gracious and free Pardon. We taking the Premisses and the Circumstances of the Petitioner into our Royal Consideration, are graciously pleased to extend*
our

our Royal Mercy to the Petitioner. Our Will and Pleasure therefore is, that you prepare a Bill for our Royal Signature to pass our great Seal, containing our gracious and free Pardon unto him the said Daniel de Foe, of the Offences aforementioned, and of all Indictments, Convictions, Pains, Penalties and Forfeitures incurred thereby, and you are to insert therein all such apt and beneficial Clauses as you shall judge requisite, to make this our intended Pardon more full, valid and effectual; and for so doing, this shall be your Warrant. Given at our Castle at Windsor, the Twentieth Day of November, 1713. In the Twelfth Year of our Reign.

By Her Majesty's Command,

To our Attorney or
Solicitor General.

BOLINGBROKE.

How gross was the Offence, even in the Information! How trivial the Pretext for remitting it, even in the Pardon! viz. the Writer's solemn Affirmation that it was all but Irony and a Joke. The Pardon very formally alleges, That *De Foe* had in those Pamphlets dropt some Expressions which might serve to shew that the whole was writ in an ironical Way: But this was a studied Artifice; for the Drift of those Pamphlets was to spread abroad among the Populace, what vulgar Arguments could be used for the Pretender, and against the *Hanover* Succession, and to accustom

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their Mouths and Ears to Discourses on that Subject ; and it was foreseen, that where-ever those Arguments should take Root, the other Expressions were too trivially and too unnaturally foisted in to be heeded ; but would rather be interpreted to be a crafty Fetch of the Author to bring himself off when question'd. However, the Minister did not think fit to depend upon that Subterfuge, at the Hazard of so valuable a Writer, whom he could employ in any Drudgery, and did employ to defend his precious Articles of Commerce with *France*. And therefore the arch Patron of the jocosé *De Foe*, made no Scruple to decide by himself at *Windfor*, what a Judge and Jury were not fit to be trusted with at *Westminster-Hall*.

In *October*, 1713, a Book was published, entitled, *The Hereditary Right of the Crown of England asserted, &c. By a Gentleman. Printed for R. Smith*. It being obvious that the Design of this Performance was to clear the Way for the *Pretender*, the Friends to the *Hannover* Succession took great Alarm at it. Hereupon it was thought proper by the Minister to take Notice of it ; and Mr. *Smith* the Bookseller, having by a Warrant from the Lord Viscount *Bolingbroke*, been brought to his Lordship's Office, he declared that Mr. *Bedford*, a Nonjuror, was the Author. This was owned by Mr. *Bedford*, who was likewise examined ; and thereupon he was (not sent to *Newgate*, but

but) bound over to appear before the Court of *Queen's Bench*; himself in a Recognizance of Five Hundred Pounds, and his Sureties in Two Hundred and Fifty Pounds each.

The 15th of *February*, 1713-14, Mr. *Bedford* was tried before the Lord Chief Justice *Parker*, and found guilty of writing, printing, and publishing the said Book.

On the 4th of *May* he received Sentence, *viz.* To pay a Fine of One Thousand Marks; to be committed to the *Queen's Bench* Prison till he pay the same; to remain in Custody there for the Space of three Years; to find four sufficient Securities, who, with the said *Bedford*, should be bound in a Recognizance of Five Thousand Pounds for his good Behaviour during Life; and that the *Friday* following, he should be brought into all the Courts of *Westminster*, the Courts being then sitting, with a Paper fixed to his Hat, denoting his Offence.

But Part of the Sentence was remitted by virtue of a Letter from the Secretary's Office, in the Queen's Name, to the Lord Chief Justice; directing, ' That in Consideration of his being a Clergyman of the Church of *England*, that ignominious Part of the Sentence, whereby he was adjudged to be carried to the several Courts of *Westminster*, with a Paper on his Hat, notifying his Crime and Judgment, should not be put in Execution. '

It must not be omitted, that excessive Bail was exacted by this Minister for Misdemeanours : And particularly in the Case of Mr. *Benson*, for his famous Letter to Sir *Jacob Bancks* ; for which pretended Offence, he himself was bound, at the Secretary's Office, in a Recognizance of 2000 *l.* and two Sureties in 1000 Pounds each : And he was obliged to come up to Town from *Wiltshire*, to attend in Person the Court of Queen's Bench twice a Term, for two Years at least ; tho' no Information was filed against him in all that Time.

This Deduction of Facts furnishes Matter for many Reflections. I will trouble the Publick with but few.

The Person who pleads the most vehemently and loudly for the Liberty of the Press, would be understood to do it from the strongest Passion for the general Good ; But can that Man have really such a Concern for the common Welfare, who has given so many Proofs of his having no Regard to common Justice, Equity, or even Decency ?

Did that Minister who passes now for the chief Writer of the *Craftsman*, when he had it in his Power, exercise the least Portion of that Excess of Lenity, which he now claims for himself ? In all the Range of his Imagination to find out Topicks for declaiming on the Freedom

dom of every *Briton*, to publish his Thoughts on publick Transactions, how came the true Case of *Ridpath*, whom he drove into Exile, not to come into his Head long ago? Was his Crime any other, than being a Man of meaner Parts, of lower Education, of less Address and Skill in writing, than he? *Ridpath's*, even *Ridpath's*, Sincerity and good Meaning towards his Country, were full as unquestionable as the *Craftsman's* can ever be pretended to be. But *Ridpath* wanted that Compass of Knowledge arising from Conversation in the polite World, that Study and fine Taste of Books, that Fund of Invention, that Flow of specious Rhetorick to make the worse appear the better Reason, that subtle Choice and Turn of Words, which this Gentleman has, or long flattered himself he had, to dress up his Thoughts so artfully, as to vent the boldest Invectives, and yet keep out of the Reach of Justice.

Ridpath happened to believe in his Heart, that the Conduct of this Minister of Queen *Anne's*, in his foreign Negotiations; the Pamphlets and Papers imputed to him, or to his favourite Emissaries; certain Addresses from considerable Bodies, and from some particular Boroughs; the common Behaviour and Language at the West-End of the Town; with numberless other Circumstances; had all a Tendency to the Setting aside of the *Hanover* Succession, and the Introduction of the Pretender; and that this had encouraged the *Jacobites*, in
Ireland

Ireland especially, and not a little in *Scotland* and here, to take such extraordinary Steps, as shewed their Readiness towards facilitating a Restoration, which it cannot be denied they all expected, when the Signal should be given them. He therefore took a Method that he thought suited his *Flying-Post*, to alarm the Publick under Colour of News from Abroad. He went upon plain Grounds, and his Motive was honest : But, acquitting himself of so delicate a Task unartfully and incautiously, he laid himself too open to the Law. And glad was the Minister to catch him tripping : He sent him headlong to *Newgate* at once, to work his Way out by Law as he could : The *Post-Boy* was directed to give a triumphant Account of his Tryal and Conviction : And when the Man had withdrawn, for fear the Sentence usually pronounced on such Offenders, should have been inhumanly executed ; this gentle Minister could not brook the Disappointment of his Revenge, but pursued him in his Flight with the impotent Rage of setting a Price upon his Head.

What a blessed Time had the Writers for their Country, when this Gentleman was in Power ? The Sovereign thunder'd over their Heads against the Licentiousness of the Press, the House of Commons echoed it ; neither Bishop *Fleetwood's* Candour and Probity with the soundest and sweetest Eloquence, nor all Mr. *Steele's* Wit with that Openness of Heart which *Eng-
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lish Gentlemen naturally make great Allowances for ; not even the Memorial of a State in Alliance with ours, drawn unwillingly from them by our unfriendly Usage ; could exempt them from the most opprobrious Censures : And as for inferior Offenders, they were consigned to the Tenderness of this Minister.

Certainly the main Article in the two Bills brought in by the Commons in his Ministry for regulating the Press, which was the obliging every Author to set his Name to his Writings, was one secret Reason why they were both dropt. Who that remembers the most insolent, abusive, lewd Pamphlets and Papers of his Favourite Writers, can believe that any one even of those Reprobates could have been so abandoned, so lost to Shame, as to have set his Name to them ? This Injunction to Authors to set their Names to their Pieces, was manifestly an useless Bugbear against the Whigs : For Bishop *Fleetwood*, and Mr. *Steele*, generously put their Names to what they wrote ; and no Publisher for any other Writers on that Side, did conceal them when called upon. Why does not this sturdy Patriot put his Name to his Performances, as those honest Lovers of their Country did ? No, this Hero in a Vizor fights behind little *Franklyn*, and lets him take all the Blows. The only justifiable Design this Minister and his Party in the House of Commons could have, in compelling a Man
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to put his Name to what he writes, was this, that he might the easier be come at to be made answerable to the Law for what he publishes: Yet now the *Craftsman* insists, that such Laws are Chains of Slavery, and that the usual Forms of proceeding in Courts of Justice to execute them, are pernicious to Liberty.

This Gentleman came into the Change of Ministry that attended Dr. *Sacheverel's* Triumph. He had the Cunning therefore to interest Religion and the Clergy in his Proceedings relating to the Press: And never was Cunning better timed, all Circumstances considered, than this was then.

The Language of the Throne concerning the Licentiousness in publishing Libels was,
 “ The Impunity such Practices have met with,
 “ encourage the blaspheming every Thing
 “ sacred.

And this Minister's Party in the House of Commons used the same Policy. Their Answers to the Queen, their Resolutions, the Titles of their Bills for restraining the Press, shew it sufficiently.

“ We are very sensible, (say they) how
 “ much the Liberty of the Press is abused,
 “ since not only Libels are published against
 “ your Majesty's Government, but the most
 “ horrid Blasphemies against God and Religion.
 Resol-

Resolved, That the great Liberty taken in publishing scandalous and impious Libels, tends to the Increase of Immorality, Profaneness, and Irreligion, &c.

Bill to prevent the printing and publishing of blasphemous and scandalous Libels, &c.

The like Cunning was used in prosecuting *Ridpath*. To that Part of the Information against him, which charged him with writing against the State, was coupled another Crime, viz. the publishing the following Paragraph in one of the three *Flying Posts* he was tryed for; “ I desire you would be so good as to print the Abjuration Oath at large, for the Use of the inferior Clergy, who, by their common Discourse, would make one believe, either that they have forgotten what they have sworn, or that they value their Oaths no more than their Subscriptions.”

So again, when *Bedford* was sentenced, this Minister, (for he has taught us that every thing the Crown does, is the Act of which Minister one pleases to single out from the Ministry, let who will countersign) remits the ignominious Part of the Sentence, in pure Compliment to the Clergy. Which had this further Piece of Craft in it, that he knew it would naturally, as Things then went, be interpreted to be a kind

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of Royal *Imprimatur*, something little short of authorizing and recommending the Book itself.

But whether this Gentleman has a real Regard for Clergymen, the Clergy themselves will judge from the Virulence and Excess of Rudeness, with which the *Craftsman* has treated several Lords of the present Bench of Bishops, of unblameable Lives and eminent for their Learning and good Sense, only because he apprehends they differ from him in his present State-Doctrines.

They do not take the right Altitude of the *Craftsman's* Ambition, who do not consider him as employing for many Years past his extraordinary Talents in no less Enterprizes than to make Revolutions of Government.

During the Time of his Power with the late Queen, he bent all the Strength of his own Parts, and those of his Emissaries, to write Pamphlets and Papers, which were plentifully dispersed, tending to prevent the House of *Hanover's* Succession to the Throne: He then carried Messages, made Speeches, and procured Bills for restraining the Press; that he might in effect have the sole Use of it. He then, and his Party in the House of Commons, punished the Whig Writers by all the Methods of Power or Law; while he was not ashamed to prostitute
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the Royal Name and Authority for screening and protecting from Justice the Writers of his own Side. And the pernicious Effect of the Poison he had caused to be spread throughout the Kingdom was such, that nothing but the Queen's Demise, untimely for him, could in all human Probability have blasted this his first Project.

The Succession in the House of *Hanover* happily took Place. Then, conscious of the Guilt of his Practices against it, he fled the Kingdom: And having incurred an Attainder, he himself has had the Gracelessness to tell the Publick, that he thereby acquired a Right truly to put himself avowedly into the Service of the Pretender, only for the Purpose of undoing his Country. This was his second Enterprize.

The Rebellion that ensued, the several printed Papers, in the Pretender's Name, transmitted from Abroad, the Licentiousness of several Weekly Journals here under different Titles, (to which *Mist's* succeeded) that laboured to keep up the same Frenzy in the Minds of the People which he had raised in the Queen's Time, did not avail.

But whether that bad Success did, in this *Craftsman's* Opinion, dissolve the Allegiance he had sworn to the Pretender at his Entrance

into his Service ; or whether the Pretender presumed to decline gratifying him, by raising him to some Station, Dignity, or Power, or granting any thing whatsoever that he (who is the sole Judge of his own Merits) might claim ; he took upon him to exert again his peculiar Right of dispensing with all Engagements to any Prince, and in Consequence, to emancipate himself once more, and make himself a Citizen of the World at his own absolute Disposal.

He chose to return to his native Country : and since he found a Way back to it, he has taken care to inform the Publick that he was never unfaithful to the Pretender ; nor had done any Services to King *George* previous to his Return. One of the principal Reasons for a Parliament's resuming King *William's Irish* Grants, was, that they were exorbitant, and had not been bestowed for sufficient Considerations. And certainly a Parliament will ever be the Masters at least of comparing this Gentleman's Conduct, with the Motive upon which they consented to the Act passed in his Favour, notwithstanding the Pardon under the Great Seal: That Motive is thus expressed in the Act it self. *Whereas he hath in most humble and dutiful manner made his Submission to your Majesty, and given your Majesty the strongest Assurances of his inviolable Fidelity, and of his Zeal for your Majesty's Service,*

*vice, and the Support of the present happy E-
stablishment, which your Majesty hath been gra-
ciously pleased to accept ; may it therefore please
your most excellent Majesty, that it may be enacted,
&c.*

F I N I S.



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